THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :15679 of 2004

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Dated: 20.09.2005

Between:

Ch. Abdul Khadar Jilani and 19 others.

.. **Petitioners**

And

1. The Government of A.P., rep., by its

Secretary, Education Department,

Secretariat Buildings, Secretariat,

Hyderabad and five others. **.. Respondents**

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WRIT PETITION NO :15679 of 2004

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking a direction, in the nature of writ of Mandamus, to set

aside the Order dated 25.09.2003 in O.A.No.4195 of 1997 on the file of the A.P. Administrative Tribunal, Hyderabad, and consequently, to direct the respondents to continue the petitioners in service.

The 6th respondent herein is the applicant and the respondents 1 to 5 herein are the respondents in the O.A. The present writ petitioners, who are third parties to the proceedings, are not the parties in the O.A.

The brief facts in the O.A. are : The 2nd respondent issued a notification dated 23.5.1997 for special recruitment of posts of Urdu teachers. The number of posts notified is 13. The requisite qualifications are that the candidate must have studied S.S.C. with Urdu medium or Urdu as first language in SSC. While so, the 2nd respondent issued clarification, dated 18.6.1997 and it discloses that the candidates, who have studied Urdu as second language in intermediate, are eligible. Accordingly, the selection process was made. Aggrieved by the same, the present O.A. was filed.

The Tribunal disposed of the O.A., having observed that the action of the respondents in appointing the candidates, who have studied Urdu as second language in intermediate, cannot be accepted and such appointments are set aside and their cases shall be excluded and the case of the aggrieved persons along with the applicant shall be considered, if they are found eligible as per the G.O.Ms.No.1129 dated 28.9.1981. Pursuant to the orders of the Tribunal, the official respondents issued a show cause notice to the petitioners-third parties. Aggrieved by the same, they filed the present writ petition.

Heard the learned Counsel and perused the material available on record.

While admitting the writ petition, this Court issued interim direction to continue the petitioners in service pending disposal of the writ petition.

In view of the fact that the writ petitioners are not the parties in the O.A. and

since the show cause notice is the outcome of an Order of the Tribunal, without expressing any opinion on the merits of the case, we feel that the petitioners cannot challenge the said notice by way of challenging the order of the tribunal passed in O.A. in question. However, we feel it appropriate to grant liberty to the petitioners to challenge the show cause notice before the Tribunal, within a period of four weeks from the date of receipt of a copy of this Order. It is also made clear that the interim direction issued by this Court on 01.09.2004 shall continue till the filing of the O.A. by these petitioners-third parties before the tribunal.

Subject to the above observations, the writ petition is disposed of. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 20.9.2005

Nn.